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**GROUP 1600**

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**FACSIMILE COVER SHEET**

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TO: Fay Z., Group Art Unit: 1614

FIRM NAME: U.S. Patent and Trademark Office

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FROM: Susan K. Doughty, Ph.D., J.D.

RE: USSN 09/712,612  
Attorney docket no. 90-99

OFFICIAL

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**Submitted Herewith:** Response to Restriction Requirement - 3 pages

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 13 2002

GROUP 1600

In re Application of:

Hua, et al.

: Group Art Unit: 1614

Serial No.: 09/712,612

: Examiner: Z. Fay

Filed: November 13, 2000

Confirmation No. 9612

For: METHODS OF TREATING  
CATARACTS AND DIABETIC  
RETINOPATHY WITH  
TRICYCLIC PYRONES

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being transmitted by facsimile to:	
The Assistant Commissioner for Patents, Washington, D.C., 20231	
Fax No.: (703) 872-9306	
Date: 5/13/02	Loretta Allenenos

## RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the restriction requirement mailed April 11, 2002, Applicants elect Group I, claims 1 - 7 with traverse.

The Restriction Requirement divided the claims into six groups:

Group I, Claims 1 - 7, drawn to a method of treating a symptom or condition results from the activity of aldose reductase using the compounds claimed, classified in class 514, subclass 291, 292 and 912.

Group II, claims 8-14, drawn to a method of inhibiting aldose reductase activity in cells, using the claimed compounds, classified in class 514, subclass.

Group III, claims 15-18, drawn to a method of treating retinopathy, using the claimed

compounds, classified in class 514, subclass 291, 292 and 912.

Group IV, claim 19, drawn to a method of decreasing the loss of PKC in diabetic patients using the compounds of claim 1, classified in class 514, subclass 291, 292 and 912.

Group V, claim 20, drawn to a method of inhibiting polyol accumulation in diabetic patients using the compounds of claim 1, classified in class 514, subclass 291, 292 and 912.

Group VI, claims 21-23, drawn to a pharmaceutical composition and a compound of claim 1, classified in class 514, subclass 291, 292 and 912.

The Restriction Requirement stated the above groups are independent and patentably distinct each from the other and each group is drawn to totally different subject matter. The Restriction Requirement does not refer to a particular section of the MPEP for support.

The MPEP states for a proper restriction requirement, the inventions must be independent or distinct and there must be a serious search burden on the examiner.

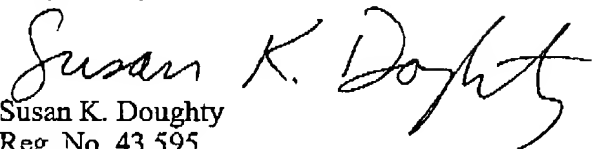
It is noted that each of the claims in the subject application uses the same compounds, and each of the groups of claims in the restriction requirement is classified in the exact same class and subclass.

Therefore, the inventions are not drawn to totally difference subject matter, and it is believed the search burden on the Examiner would not be burdensome in light of the similar subject matter and identical classification. MPEP Section 803 states a serious burden on the Examiner may be found if the claims are separately classified.

In view of the above, withdrawal of the restriction requirement is respectfully requested.

It is believed that the present submission does not require the payment of any fees. If this is incorrect, however, please charge any fee due to Deposit Account No. 07-1969.

Respectfully submitted,

  
Susan K. Doughty  
Reg. No. 43,595

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